

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(a)

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Counsel for EPC Services Company

In re:

POWIN, LLC, *et al.*

Debtors.

Chapter 11

Case No. 25-16137 (MBK)

Judge: Michael B. Kaplan

(Jointly Administered)

**JOINDER AND RESERVATION OF RIGHTS OF EPC SERVICES COMPANY
REGARDING THE EMERGENCY MOTION OF LICENSEES FOR ENTRY OF
AN ORDER (I) COMPELLING THE DEBTORS TO COMPLY WITH SECTION
365(n)(4) OF THE BANKRUPTCY CODE, (II) GRANTING ADEQUATE
PROTECTION UNDER SECTION 363(e) OF THE BANKRUPTCY CODE,
AND (III) GRANTING OTHER APPROPRIATE RELIEF**

Legal Basis for Joinder

1. As set forth in the Licensee Motion, section 365(n)(4) of the Bankruptcy Code requires that, unless and until a debtor rejects an executory contract under which the debtor is a licensor of intellectual property, the debtor must perform under such contract or provide the licensee thereunder with access to the licensed intellectual property.

2. Pursuant to the ESSA, Powin granted EPC licenses to Powin's intellectual property relating to the operation of the BESS system Powin installed at the Poblano Project. EPC is entitled to the protections set forth in section 365(n) of the Bankruptcy Code with respect to such licenses.¹

JOINDER

3. EPC hereby joins and incorporates the Licensee Motion expressly referenced herein, and all other applicable joinders, and request such other and further relief as is requested herein.

4. Without limiting the foregoing joinder, EPC joins in the Licensees' request for the Debtor to provide access to cloud-based services (i.e., Kobold, StackOS and other critical software) and passwords that were not held in the Praxis IP Escrow but are part of the licensed technology that EPC is entitled to use under section 365(n).

RESERVATION OF RIGHTS

5. EPC reserves its right to supplement this Joinder and make such other and further objections as it deems necessary or appropriate.

6. EPC hereby joins any other joinders filed by Debtors' licensees to the extent such joinders are not inconsistent with the relief sought herein.

¹ EPC reserves its right to elect treatment under sections 365(n)(1)-(3) of the Bankruptcy Code in the context of any proposed rejection of the ESSA, and its other rights under the ESSA and in relation to the Poblano Project.

WHEREFORE, EPC respectfully requests that the Court enter an order (i) granting the relief requested in the Licensee Motion, and (ii) granting such other and further relief as this Court deems just and proper.

Dated: July 29, 2025

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CERTIFICATE OF SERVICE

I, Jennifer R. Hoover, hereby certify that the foregoing *Joinder and Reservation of Rights of EPC Services Company Regarding the Emergency Motion of Licensees for Entry of an Order (I) Compelling the Debtors to Comply with Section 365(n)(4) of the Bankruptcy Code, (II) Granting Adequate Protection Under Section 363(e) of the Bankruptcy Code, and (III) Granting Other Appropriate Relief* was filed and served on July 29, 2025 via CM/ECF on all parties registered to receive notice in this case.

/s/ Jennifer R. Hoover
Jennifer R. Hoover (NJ No. 026502001)